

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**MANFRED A. PENTZKE-LEMUS (1)**

Defendant.

**CRIM NO.: 23-130 (ADC).**

**CONSENT MOTION TO CONTINUE SENTENCING HEARING**

**TO THE HONORABLE DISTRICT COURT:**

**COMES NOW** Defendant, Manfred A. Pentzke-Lemus (“Mr. Pentzke”), through the undersigned counsel, and respectfully states and prays to this Honorable Court as follows:

1. On April 24, 2025, and as requested by Mr. Pentzke, this Honorable Court rescheduled the Sentencing Hearing in this case for May 28, at 3:00 p.m. *See* Docket No. 373.
2. Subsequently, on April 28, 2025, the Government filed a Third Informative Motion regarding Monetary Penalties (“Penalties Motion”). *See* Docket no. 375.
3. On the Penalties Motion, the Government informed, that contrary to what it had proposed since the inception of this case, the U.S Small Business Administration (“SBA”) was no longer the sole victim for purposes of restitution.
4. According to the Penalties Motion, on November 29, 2024, Oriental Bank (“Oriental”) filed a lawsuit seeking repayment of funds and damages from defendants in this case, including Mr. Pentzke. *See, Oriental Bank v. Manfred Pentzke-Lemus, et al., No. 24-CV-1550 (MAJ)* (“Oriental Lawsuit”).
5. As explained by the Government, the Oriental Lawsuit seeks payment of funds encompassed by an SBA guarantee. Furthermore, the Government has represented that, on April 7, 2025, it learned that, contrary to its previous understandings—which guided the plea negotiations processes in this case—the SBA had denied nearly all of Oriental’s requests to SBA to

purchase the guarantees of loans pertaining to the cases of caption.

6. To that effect, the Government informed that it would seek restitution as appropriate for losses sustained by Oriental and states that “new circumstances warrant a new approach to restitution”.
7. As of this date, Mr. Pentzke has not been served with the Oriental Lawsuit.
8. As of this date, this Honorable Court has not ruled on the Penalties Motion and a final determination regarding the matter of restitution has not been approved by this Honorable Court.
9. Furthermore, during the past few months, defense counsel and Mr. Pentzke have been engaged in conversations with USPO Gaby Meléndez-Yamamoto (“USPO Meléndez”) to produce all relevant financial and tax related information that is relevant for PSR in this case.
10. To that effect, on May 22, 2025, the Amended PSR was filed in this case.
11. In view of the procedural circumstances described herein, the undersigned counsel held conversations with AUSA Olinghouse regarding whether sentencing should be postponed.
12. To that effect, and (i) to properly evaluate the Amended PSR; and (ii) to guarantee that a final resolution regarding the matter of restitution has been determined by this Court, both parties agree that a postponement of the Sentencing Hearing in this case is warranted.
13. Consequently, Mr. Pentzke requests that this Honorable Court set aside the Sentencing Hearing in this case and reschedule the same to a date after a final resolution regarding the matter of restitution has been reached. The presented request has been discussed with the Government and no objection was informed.
14. Mr. Pentzke respectfully reserves all rights regarding the matter of restitution and the Penalties Motion.

**WHEREFORE** Manfred A. Pentzke Lemus and the undersigned counsel respectfully request that this Honorable Court (i) take notice of the foregoing; (ii) set aside the Sentencing Hearing and reschedule the same to a date after the matter of restitution has been finally adjudicated by this Honorable Court; and

(iii) grant any relief that may be deemed just and appropriate.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico this 23<sup>rd</sup> of May 2025.

**I HEREBY CERTIFY:** That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record of all the parties in the above captioned case.

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